

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed May 26, 2006. Currently, claims 1-60 are pending. Applicant have cancelled claim 14 and amended claims 1, 15-19, 31-39, 41, 47-49, 51-52, and 57-60. Applicant respectfully requests reconsideration of claims 1-60.

I. Allowable Subject Matter

Claims 15-19 and 32-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended claims 15-19 and 32-36 to place them in independent form and include all of the limitations of the base claim and any intervening claims. Applicant submits that claims 15-19 and 32-36 are now in condition to be allowed.

II. Rejection under 35 USC §112

Claims 37-39, 41, 47-49, 51, 52 and 57-60 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner indicated that claims 37-39, 41, 47-49, 51, 52 and 57-60 recite an apparatus in the pre-amble but several steps of a method appear in the claim body.

Applicant has amended claims 37-39, 41, 47-49, 51, 52 and 57-60 in order to expedite prosecution. The amendment re-phrases the limitations in the rejected claims to place the claims in a more traditional apparatus format. Applicant submits that the amended claims overcome the rejection under 35 U.S.C. § 112, that the rejection is now moot, and requests the rejection be withdrawn.

III. Rejection under 35 USC §101

Claims 37-39, 41, 47-49, 51, 52 and 57-60 were rejected under 35 U.S.C. §101 because the claims are directed to overlapping statutory classes and because the claimed invention is

directed to non-statutory subject matter.

As discussed above, applicant has amended claims 37-39, 41, 47-49, 51, 52 and 57-60 in order to expedite prosecution. Applicant submits that the amendment overcomes the rejection under 35 USC §101, and requests the rejection be withdrawn.

IV. Rejection under 35 USC §103

Claims 1, 14 and 31 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,546,475 (*Bolle*) in view of U.S. Patent No. 5,559,632 (*Lawrence*). Applicant has amended claims 1 and 31 to clarify the respective claimed embodiments, and cancelled claim 14. Because *Bolle* in view of *Lawrence* fails to disclose each limitation of claims 1 and 31, Applicant asserts that these claims are patentable over the cited art.

Claim 1

Select features of embodiments of Applicant's invention as described above can be found in claim 1 which recites:

receiving a set of two or more images of a scene;
identifying foreground for at least a subset of said images of said scene; and
creating a video of said scene conveying an illusion of a camera moving around said scene, said step of creating a video is based on said set of two or more images and said step of identifying foreground, wherein said scene appears frozen in time in said illusion of said camera moving around said scene.

Bolle does not disclose the recited limitations of claim 1. *Bolle* discloses matching portions of a segmented image to a source image associated with a scene of food or some other object. In particular, *Bolle* discloses, "In step 510, an image (a first image) of the scene is produced with the light 110 switched on. [...] In step 520, a second image of the scene is produced with the light switched off or set to a level below the level in step 510." (col. 10, lines 20-30). *Bolle* then determines if each pixel of the first image is brighter than the corresponding pixel in the second image. If a pixel is brighter by more than a threshold value, the pixel is designated as part of the object. Otherwise, the pixel is designated as part of the background. (col. 10, line 59 to col. 11, line 4). One or more features of the object are determined, and the

features are normalized. The features are then compared to reference object characteristics. (col. 13, lines 5-64)

Unlike the embodiment of the claimed invention, *Bolle* does not disclose, “creating a video of said scene conveying an illusion of a camera moving around said scene, said step of creating a video is based on said set of two or more images and said step of identifying foreground.” *Bolle* also does not disclose “wherein said scene appears frozen in time in said illusion of said camera moving around said scene.” *Bolle* segments an image of produce from two images having different lighting levels, and compares features of the produce image to stored features. Unlike the claimed invention, *Bolle* takes two images of a produce object, and processes the images. *Bolle* does not mention conveying any illusion of camera motion around any scene, or that the scene appears frozen in time in the illusion.

Laurence fails to remedy the failings of *Bolle*. *Laurence* discloses a method for producing and presenting three dimensional motion pictures. A scene to be photographed is illuminated such that the light intensity on the midground is 50% greater than that of the foreground, and the light intensity of the background is twice that of the foreground. The scene is photographed over time by a movable camera at a constant angular velocity. Additional cameras record the scene over time from fixed locations. A video is created by inserting alternating periods of three dimensional (3-D) video captured by the moving cameras (lasting 3-25 seconds each) in between segments of two dimensional (2-D) video captured by the still cameras (lasting 5-40 seconds each). (col. 3, lines 7-24) Alternating the 2-D shots and 3-D shots prevent side effects such as motion queasiness, dizziness or potential nausea. (col. 3, lines 53-59) Additionally, *Laurence* discloses 3-D glasses having lenses of plastic film. One lens has 100% light transmission while the other lens is mirrored and provides a specific neutral density in the range of 0.5-2.0 with no discernable peaks in wavelength or color. (col. 3, lines 25-36) The glasses improve the illusion of the Pulfrich 3-D while avoiding adverse results. (col. 3, line 66 through col. 4, line 2).

Laurence does not disclose “creating a video of said scene conveying an illusion of a camera moving around said scene [...] based on said set of two or more images and said step of identifying foreground” as claimed in claim 1. *Laurence* discloses presenting a video which

comprises alternating videos in 2-D and 3-D format. The composite video produced by *Laurence* is not based on identifying a foreground. Though *Laurence* discloses providing a particular level of illumination to a foreground, it does not disclose that any video is created based on identifying a foreground. In fact, *Laurence* does not disclose any identification of any object or subject matter within a video, whether the object is in the foreground or not. Rather, *Laurence* only discloses capturing two video formats (2-D and 3-D) and combining the two video formats into one video, regardless of identifying any subject matter in either video.

Laurence also does not disclose “wherein said scene appears frozen in time in said illusion of said camera moving around said scene” as recited in the claimed embodiment of claim 1. Unlike the claimed embodiment, *Laurence* discloses capturing video footage of a subject from multiple cameras over time and combining portions of each video into a new video. As discussed above, the of video cameras capture a subject over periods of time (3-25 seconds for 3-D video, 5-40 seconds for 2-D video). The resulting composite video depicts the subject over time in alternating formats of 2-D and 3-D format. Nowhere does *Laurence* disclose or suggest that the videos captured over time or the composite video generated from those videos provide a scene that “appears frozen in time.”

The limitation of “wherein said scene appears frozen in time in said illusion of said camera moving around said scene” as added by amendment herein to claim 1 was contained in claim 14 before the claim was cancelled herein. Though Examiner stated claim 14 was rejected under 35 USC §103 in the present office action, Examiner failed to provide support for the rejection of claim 14. In particular, Examiner failed to indicate how the cited art disclosed the embodiment claimed in claim 14. As discussed above, Applicant submits that the limitation contained in claim 1 as amended herein (and claim 14 before it was cancelled) is not disclosed or suggested in the cited art.

Claim 31

Select features of embodiments of Applicant’s invention as described above can be found in claim 31 which recites among other limitations:

receiving a set of two or more images of a scene, the set of two or more images correspond to a point in time;
identifying foreground for at least a subset of said images of said scene; and
creating a video of said scene conveying an illusion of a camera moving around said scene at the point in time, said step of creating a video is based on said set of two or more images and said step of identifying foreground.

Bolle does not disclose receiving a set of two or more images of a scene wherein the images “correspond to a point in time” and creating a video of the scene conveying an illusion of a camera moving around the scene “at the point in time.” As discussed above, *Bolle* discloses capturing two images of an object such as produce, one image with lighting and one without, comparing pixels for each image, identifying an object based on the pixel comparison, and comparing the object to reference object characteristics. *Bolle* does not disclose or suggest that the captured images correspond to one point in time and creation of a video from those images, wherein the video conveys an illusion of a camera moving around the scene at the point in time.

Laurence does not cure the deficiencies of *Bolle* with respect to claim 31. *Laurence* discloses capturing video over time with a moving camera and one or more stationary cameras. The video captured over time from the cameras is then combined to generate a composite video having both 3-D and 2-D format. The composite video may be used in motion picture or video game to depict an object over time. *Laurence* does not disclose or suggest receiving a set of two or more images of a scene wherein the images “correspond to a point in time” and creating a video of the scene conveying an illusion of a camera moving around the scene “at the point in time.” In contrast to the claimed embodiment, *Laurence* captures video *over time* from two or more cameras and creates a composite video depicting subject matter *over time*.

Because *Bolle* in combination with *Laurence* fails to disclose each limitation of claim 1 and 14, Applicant asserts that these claims are patentable over the cited art.

CONCLUSION

Based on the above amendments and these remarks, reconsideration of claims 1-13 and 14-60 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: /Stephen R. Bachmann/
Steve Bachmann
Reg. No. 50,806

VIERRA MAGEN MARCUS & DENIRO LLP
575 Market Street, Suite 2500
San Francisco, California 94105-2871
Telephone: (415) 369-9660
Facsimile: (415) 369-9665